APR 0 6 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3

In recapplication of: R. MARTIN EMANUELE ET AL. Filed Section 15, 1993

For: THERAPEUTIC DELIVERY COMPOSITIONS

Attorney's Docket No. 19720-0620

AND METHODS OF USE THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) AND 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby dec	lare that	I:	am:
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() the owner of the small business concern identified below:

(X) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN:

CYTRX CORPORATION

ADDRESS OF CONCERN:

150 TECHNOLOGY PARKWAY NORCROSS, GEORGIA 30092

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal years, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above, with regard to the invention entitled "THERAPEUTIC DELIVERY COMPOSITIONS AND METHODS OF USE THEREOF" by inventor(s) R. MARTIN EMANUELE, HAMEEDSULTHAN S. ALLAUDEEN and KONSTANTIN G. KOUSOULAS described in

()	the specification filed herewith
(X)	application Serial No. 08/138,271, filed October 15, 1993
	patent No, issued

The rights held by the above identified small business concern are not exclusive.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSO	N SIGNING: R. Martin I	Emanuele		
TITLE OF PERSO	N OTHER THAN OWNER:	Vice President,	Preclinical Research an	d Development
ADDRESS OF PER	ISON SIGNING: 150 Te	chnology Parkway,	Norcross, Georgia 300	92
DATE 425/9	SIGNATURE	K. Mark	manufe	
1 /		·)		-



My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Therapeutic Delivery Compositions

and Methods of Use Thereof		on of which:	•	•		
is attached hereto.						
was filed	on June 24, 1998	as Application No. 09/	104,088 (if applicable) and wa	s amended on		
I hereby state that I have review amended by any amendment refer in the United States of America country before my or our invertinvention was not in public use I understand that I have a duty disclose information which is Regulations, §1.56.	erred to above. It is before my or the third thereof or or on sale in the of candor and so	do not know and do nour invention thereof, more than one year purities of Ame pood faith toward the F	ot believe that the same was or patented or described in a rior to the date of this applied rica more than one year prior Patent and Trademark Office,	ever known or used by others any printed publication in any cation. I further state that the to the date of this application, and I acknowledge the duty to		
I hereby claim foreign priority be inventor's certificate listed below disclosing subject matter in comon which priority is claimed:	ow, and have all	lso identified below a	ny foreign application for p	patent or inventor's certificate		
Application No.	<u>Country</u>	Filing Date	Priority Claime	d Under 35 USC §119		
			Yes	No		
I hereby claim the benefit undebelow:	er Title 35, Unit	ed States Code, § 11	9(e) of any United States p	provisional application(s) listed		
(Application No.)	(Filin	ng Date)	(Application No.)	(Filing Date)		
the subject matter disclosed and manner provided by the first p information as defined in Title 2 application and the national or 1	paragraph of Tit 37, Code of Fede	le 35, United States eral Regulations, §1.56	Code §112, I acknowledge which became available bety plication:	the duty to disclose material ween the filing date of the prior		
Application Serial No.	Filing Date	•	Status: patented, pending, ab	andoned		
08/926,297	September :	5, 1997	abandoned			
I further declare that all statemed belief are believed to be true; as like so made are punishable by such willful false statements may power of ATTORNEY: The for Patent and Trademark Office control Robert E. Richards - 29,105; Joh 22,602; Gregory T. Gronholm - 35,645; Daniel J. Warren - 34,277 Merchant - 39,771; Michael J. Merchant - 39,771; Merchant - 39,771	nd further that the fine or imprison ay jeopardize the llowing attorneys nected therewith: n R. Harris - 30, 2,415; Dale Liscl 2; Leona G. Your ehrman - 40,086;	ese statement were mannent, or both, under Se validity of the applicate are hereby appointed. Anthony B. Askew - 388; Stephen M. Schamer - 28,438; Peter G. Peg - 37,266; Jamie L. G. William L. Warren - 36	de with the knowledge that section 1001 of Title 18 of thation or any patents issuing that to prosecute this application 24,154; Roger T. Frost - 22,1 etzel -31,418; Larry A. Robert appas - 33,205; James Dean Joreene-32,467; Holmes J. Hawl 5,714; Brenda M. Ozaki - 40,3	willful false statements and the ne United States Code, and that hereon. and transact all business in the 76; Jeffrey E. Young - 28,490; is - 31,871; Thomas A. Hodge, - innson - 31,771; W. Scott Petty - kins III - 38,913; Mary Anthony 139; James D. Withers - 40,376;		
M. Todd Mitchem - 40,731; Kin Leonard - 41,940; John E. Whital Suzanne Seavello Shope - 37,933	ker - 42,222; Chr.	41,483; William B. Lal istos S. Kyriakou - 42,7	ferty - 39,259; Theodore M. 76; John K. McDonald - 42,86	Green - 41,801; Christopher J. 0; Michael S. Pavento - 42,985;		
		N.E., 37th Floor	Direct telephone calls Mary An	s at (404) 818-3700 athony Merchant, Ph.D.		
Full name of sole or first inven	tor: R. Martin I	Emanuele	Citizenship, USA			
Inventor's signature	12	. Je	Date: 9249			
Residence and Post Office Add	ress: 5320 North	Hillbrook Trace, Alpl	naretta, Georgia 3020			
Additional inventors are be	ing named on ser	parately numbered sheet	s attached hereto.			

Attorney's Doc 0. 19720-0623

As a below named inventor, I hereby declare that:

inventor (if only one name is list matter which is claimed and for and Methods of Use Thereof	which a patent	is sought on the inv	int inventor (if plural names contion entitled: Therapeutic	are listed below) of the subject Delivery Compositions
is attached	-			
was filed or	1 June 24, 1998	as Application No. 09/	104,088 (if applicable) and was	amended on
I hereby state that I have review amended by any amendment refer in the United States of America country before my or our invention was not in public use of I understand that I have a duty of disclose information which is regulations, §1.56.	rred to above. I before my or of tion thereof or a or on sale in the of candor and go	do not know and do nour invention thereof, more than one year p United States of Ame tood faith toward the I	not believe that the same was, or patented or described in a prior to the date of this application more than one year prior Patent and Trademark Office.	ever known or used by others any printed publication in any cation. I further state that the to the date of this application, and I acknowledge the duty to
I hereby claim foreign priority be inventor's certificate listed belo disclosing subject matter in common which priority is claimed:	w, and have al	so identified below a	any foreign application for p	atent or inventor's certificate
Application No.	Country	Filing Date	Priority Claimed	1 Under 35 USC §119
	-	- —	Yes	
I hereby claim the benefit under below:	Title 35, Unite	d States Code, § 11	9(e) of any United States pa	rovisional application(s) listed
(Application No.)	(Filing	g Date)	(Application No.)	(Filing Date)
I hereby claim the benefit under in the subject matter disclosed and manner provided by the first painformation as defined in Title 37 application and the national or PC	claimed in the pragraph of Title (, Code of Feder	present application is e 35, United States al Regulations, §1.56	not disclosed in the prior Ui Code §112, I acknowledge I which became available betw	nited States application in the
Application Serial No.	Filing Date		Status: patented, pending, aba	ndoned
08/926,297	September 5,	1997	abandoned	
I further declare that all statement belief are believed to be true; and like so made are punishable by fir such willful false statements may	further that thes ne or imprisonn	se statement were mad nent, or both, under Se	le with the knowledge that w ection 1001 of Title 18 of the	illful false statements and the United States Code, and that
POWER OF ATTORNEY: The follo Patent and Trademark Office connec Robert E. Richards - 29,105; John 22,602; Gregory T. Gronholm - 32, 35,645; Daniel J. Warren - 34,272; Merchant - 39,771; Michael J. Mehr M. Todd Mitchem - 40,731; Kimbe Leonard - 41,940; John E. Whitaker Suzanne Seavello Shope - 37,933.	ted therewith: R. Harris - 30,38 415; Dale Lische Leona G. Young man - 40,086; Welly J. Prior - 41	Anthony B. Askew - 2 88; Stephen M. Schael er - 28,438; Peter G. Pa - 37,266; Jamie L. Gre /illiam L. Warren - 36, ,483; William B. Laff	4,154; Roger T. Frost - 22,176 tzel -31,418; Larry A. Roberts ppas - 33,205; James Dean Johneene-32,467; Holmes J. Hawkii 714; Brenda M. Ozaki - 40,336 erty - 39,259; Theodore M. O	5; Jeffrey E. Young - 28,490; - 31,871; Thomas A. Hodge, - nson - 31,771; W. Scott Petty - ns III - 38,913; Mary Anthony 9; James D. Withers - 40,376; reen - 41,801; Christopher J.
	chtree Street, N	.E., 37th Floor	Direct telephone calls a	
Atlanta,	GA 30303-176	i9	Mary Anth	ony Merchant, Ph.D.
Full name of sole or first inventor	: Konstantin C	A Kousoulas	Citizenship: USA	
Inventor's signature			Date: 10/8/9	8

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole

Residence and Post Office Address: 10543 N. Myrtle Lake Avenue, Baton Rouge, Louisiana, 70810

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Therapeutic Delivery Compositions and Methods of Use Thereof the specification of which: is attached hereto.

was filed on June 24, 1998 as Application No. 09/104,088 (if applicable) and was amended on _

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date			Priority Claimed Under			35 USC §119	
	·				Yes_		No		
I hereby claim the benefit u	inder Title 35,	United States Code,	§ 119(e)	of any	United	States	provisional	application(s)) listed
(Application No.)	-	(Filing Date)	. —	(Appli	cation No	ı.)		(Filing Date)	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. Filing Date

Status: patented, pending, abandoned

08/926,297

-5

September 5, 1997

abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Jeffrey E. Young - 28,490; Robert E. Richards - 29,105; John R. Harris - 30,388; Stephen M. Schaetzel -31,418; Larry A. Roberts - 31,871; Thomas A. Hodge, -22,602; Gregory T. Gronholm - 32,415; Dale Lischer - 28,438; Peter G. Pappas - 33,205; James Dean Johnson - 31,771; W. Scott Petty -35,645; Daniel J. Warren - 34,272; Leona G. Young - 37,266; Jamie L. Greene-32,467; Holmes J. Hawkins III - 38,913; Mary Anthony Merchant - 39,771; Michael J. Mehrman - 40,086; William L. Warren - 36,714; Brenda M. Ozaki - 40,339; James D. Withers - 40,376; M. Todd Mitchem - 40,731; Kimberly J. Prior - 41,483; William B. Lafferty - 39,259; Theodore M. Green - 41,801; Christopher J. Leonard - 41,940; John E. Whitaker - 42,222; Christos S. Kyriakou - 42,776; John K. McDonald - 42,860; Michael S. Pavento - 42,985; Suzanne Seavello Shope - 37,933.

Send correspondence to: JONES & ASKEW, LLP

191 Peachtree Street, N.E., 37th Floor

Atlanta, GA 30303-1769

Direct telephone calls at (404) 818-3700

Mary Anthony Merchant, Ph.D.

Full name of sole or first inventor: Hameedsulthan S. Allaudeen	Citizens	hip: USA	
Inventor's signature Hamedsulkan S. Allan Le	Date:	10-21-98	
Residence and Post Office Address: 5211 Oakbrook Drive, Durham, NC 27713		•	